

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

PHILIP GARY COHEN, SR,

Debtor.

Case No. **10-62191-7**

ORDER

At Butte in said District this 29th day of November, 2010.

In this Chapter 7 case, U.S. Bank, N.A. (“Creditor”) filed a Motion to Modify Stay on November 10, 2010. In accordance with Mont. LBR 4001-1, Mont. LBR 9013-1 and Mont. LBR 8, Creditor attached a “Notice” to its motion advising Debtor, and other parties in interest, such as the Chapter 7 Trustee, that they had fourteen (14) days within which to respond to Creditor’s motion. Neither the Chapter 7 Trustee nor Debtor filed a timely response to Creditor’s motion in accordance with Mont. LBR 4001-1. In the absence of any outstanding opposition after notice, the Court finds that Creditor’s motion is filed for good cause under 11 U.S.C. § 362(d).

IT IS THEREFORE ORDERED the stay afforded by § 362(a) of the Bankruptcy Code is modified to permit U.S. Bank, N.A. to pursue its non bankruptcy remedies against the following property of the estate:

Lot Fourteen (14) of Ledge Wood Estates 2, according to the map or plat thereof on record in the office of the County Clerk and Recorder

Commonly known as 133 Ledgewood Drive, Bigfork, MT 59911.

IT IS FURTHER ORDERED that this Order is effective immediately, not stayed for 14 days pursuant to F.R.B.P. 4001(a)(3).

BY THE COURT

A handwritten signature in cursive script, reading "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER

U.S. Bankruptcy Judge

United States Bankruptcy Court

District of Montana